

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
AT COOKEVILLE**

MARY HICKEY, individually and as)
next friend for JIM HICKEY,)
Plaintiffs,)
v.) Case Number: _____
MET LIFE AUTO & HOME,) Judge: _____
Defendant.) Magistrate: _____

NOTICE OF REMOVAL OF CIVIL ACTION

Comes now the Defendant, Met Life Auto & Home (hereinafter referred to as "Metropolitan"), pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, and hereby gives Notice of Removal of this Civil Action from the Circuit Court of Putnam County, Tennessee, to the United States District Court for the Middle District of Tennessee at Cookeville, and states as follows:

1. On or about January 29th, 2007, Plaintiffs, Mary Hickey, individually, and as next friend for Jim Hickey, filed a Complaint against Metropolitan in the Putnam County, Tennessee, Circuit Court, under case number 07J0027, a copy of which is attached hereto as "Exhibit A."
2. On January 29th, 2007, counsel for Metropolitan was put on notice of this claim by receiving a copy of the Complaint via facsimile. No proceedings on the Complaint have transpired in the Putnam County Circuit Court.

3. In a case such as this one, the District Court has jurisdiction “where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between — (1) citizens of different States;” 28 U.S.C. § 1332(a).
4. Plaintiffs, James and Mary Hickey, are, and were at all times pertinent to this action, residents and citizens of Putnam County, Tennessee.
5. Metropolitan is incorporated in Rhode Island, with its principal place of business in Rhode Island, and is licensed and authorized to do business in the State of Tennessee.
6. The Complaint filed by Plaintiffs, James and Mary Hickey, seeks damages related to the alleged breach of a contract for insurance, demanding compensation for real and personal property, violation of the bad faith provisions of the Tennessee Code, quantum meruit, prejudgment interest, attorney’s fees and costs, discretionary costs, and further relief to which Plaintiffs may be entitled, in significant excess of the sum or value of Seventy Five Thousand Dollars (\$75,000.00), exclusive of interest and costs.
7. There is complete diversity of citizenship between Plaintiffs, James and Mary Hickey, and Defendant, Metropolitan, and the amount in controversy in this case, exclusive of interests and costs, clearly exceeds the Seventy Five Thousand Dollar (\$75,000.00) threshold. This Court has original jurisdiction of this case pursuant to 28 U.S.C.A §1332.
8. Metropolitan has filed a copy of this Notice with the Circuit Court for Putnam County, Tennessee, and has also served a copy on the attorney for the Plaintiffs, James and Mary Hickey.

9. Counsel for Metropolitan, Michael P. Mills, is duly licensed to practice in the United States District Court for the Middle District of Tennessee.

WHEREFORE, Defendant, Metropolitan, requests that this action be removed from the Circuit Court for Putnam County, Tennessee, to the United States District Court for the Middle District of Tennessee, at Cookeville.

We respectfully demand a jury of six (6) to hear this matter.

Respectfully submitted,

s/MICHAEL P. MILLS
MICHAEL P. MILLS, BPR #010551
MILLS & COOPER
P. O. Box 24969
Nashville, TN 37202-4969
(615) 221-8218

CERTIFICATE OF SERVICE

Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail. Parties may access this filing through the Court's electronic filing system. The Plaintiffs' counsel was sent a copy of this Pleading by U. S. Mail, as follows:

Henry D. Fincher
Attorney at Law
305 East Spring Street
Cookeville, Tennessee 38501

on this 20th day of February, 2007.

s/MICHAEL P. MILLS
MICHAEL P. MILLS